

SCEI 16.677 (100809-16047)
09/438,652REMARKS

This amendment is in response to the Examiner's Office Action dated 3/22/2004. This amendment should obviate outstanding issues and make the claims 1-11 allowable. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-11 are pending.

Claims 1-11 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-11 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Barad et al..

REJECTIONS UNDER 35 U.S.C. §101

The Examiner asserts that claim 1, and its dependent claims, merely manipulate an abstract idea and are therefore directed to non-statutory subject matter and, therefore, are rejected under 35 U.S.C. §101. Although claim 6, the other independent claim, is not separately considered or discussed by the Examiner, the present response assumes that the Examiner has rejected claim 6 for substantially the same reasons as claim 1.

In response, Applicants have amended claims 1 and 6 to positively recite post-computer processing activity. In particular, the claims now recite that the two-dimensional image generated by multiplying each texture that has been mapped by each modulation texture is displayed on a display apparatus. As such, the amended claims do not recite merely manipulation of an abstract idea but, instead, recite a practical application that produces a concrete, tangible and useful result. Thus, as amended, claims 1 and 6 and their respective

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dependent claims are directed to statutory subject matter. Applicants urge that no new subject matter has been added by way of this amendment. The original disclosure, for example, at page 5 lines 10-17, explains that the generated two-dimensional images can be applied to "a three-dimensional television game device, a three-dimensional moving image display device, and a three-dimensional moving image transfer device." Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §101 of claims 1-11.

REJECTIONS UNDER 35 U.S.C. §102

The Examiner asserts that Barad identically discloses the present invention as recited in claims 1-11 and therefore rejects these claims under 35 U.S.C. §102. Applicants respectfully disagree with the Examiner's interpretation of Barad and urge that there are differences between the disclosure of Barad and the present claims that undermine the factual determination that Barad identically discloses the subject matter of the present claims.

Claim 1, for example, recites two types of textures: textures that have been mapped to generate an overall pattern on a polygon and modulation textures. More particularly, according to claim 1, each texture that has been mapped is multiplied by each modulation texture. The specification, at page 12, lines 1-13, explains how "a modulation texture represents the intensity for further carrying out multiplication on and applying modulation to the pixel values of an image drawn using a basic texture" (emphasis added). In contrast, Barad discloses modulating a height map but then sums these images together for the ultimate image. Thus, Barad does not identically disclose multiplying two textures together in general and does not specifically disclose multiplying each mapped texture by each modulation texture. Applicants urge that Barad, therefore, does not identically disclose every limitation recited in claim 1 and does not anticipate claim 1 as is meant under 35 U.S.C. §102. Accordingly, reconsideration and

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withdrawal of the rejection under 35 U.S.C. §102 of claim 1 and its dependent claims 2-5 are respectfully requested.

Claim 6 recites a similar limitation of a multiplying means that multiplies "each texture that has been mapped ... by each modulation texture." Thus, for at least the reasons presented above with respect to claim 1, Applicants urge that Barad does not identically each and every limitation of claim 6. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 of claim 6 and its dependent claims 7-11 are respectfully requested.

Independent of the above remarks, Applicants urge that Barad does not identically disclose the additional features of claims 2 and 7, as well. In particular, these claims recite that in the multiplying step, the amplitude is made smaller with increasing distance from the vicinity of a viewpoint. In stating the rejection, the Examiner asserts that Barad teaches "the amplitude modification factor of smaller factors." This teaching of Barad with respect to amplitude factors is general in nature and is not identical to the specific claim language that an amplitude is made smaller as the distance from a viewpoint increases. Thus, Barad does not identically disclose each and every feature recited in claims 2-7 and, therefore, does not provide the factual foundation to support a rejection of these claims under 35 U.S.C. §102. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102 of claims 2 and 7 are respectfully requested.

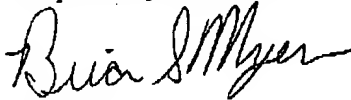
SCEI 16.677 (100809-16047)
09/438,692SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

A petition for extension of time has been filed with this amendment.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,



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August 19, 2004